

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS

CHAPTER 13 PLAN COVER SHEET

Filing Date:	<u>11/30/08</u>	Docket #:	<u>08-19170</u>
Debtor:	<u>Brett L. Grieco</u>	Co-Debtor:	<u>Melinda E. Grieco</u>
SS#:	<u>xxx-xx-1257</u>	SS#:	<u>xxx-xx-1975</u>
Address:	<u>5 Gould St. Danvers, MA 01923</u>	Address:	<u>5 Gould St. Danvers, MA 01923</u>
Debtor's Counsel:	<u>Andrew W. Evans BBO #556403</u>		
Address:	<u>58 Main Street Topsfield, MA 01983</u>		
Telephone #:	<u>(978) 887-1035</u>		
Facsimile #:	<u>(978) 887-3684</u>		

ATTACHED TO THIS COVER SHEET IS THE CHAPTER 13 PLAN FILED BY THE DEBTOR(S) IN THIS CASE. THIS PLAN SETS OUT THE PROPOSED TREATMENT OF THE CLAIMS OF CREDITORS. THE CLAIMS ARE SET FORTH IN THE BANKRUPTCY SCHEDULES FILED BY DEBTOR(S) WITH THE BANKRUPTCY COURT.

YOU WILL RECEIVE OR HAVE RECEIVED A SEPARATE NOTICE FROM THE BANKRUPTCY COURT OF THE SCHEDULED CREDITORS' MEETING PURSUANT TO 11 U.S.C. § 341. THAT NOTICE WILL ALSO ESTABLISH THE BAR DATE FOR FILING PROOFS OF CLAIMS.

PURSUANT TO THE MASSACHUSETTS LOCAL BANKRUPTCY RULES, YOU HAVE UNTIL THIRTY (30) DAYS AFTER THE SECTION 341 MEETING (OR 30 DAYS AFTER SERVICE OF AN AMENDED PLAN) TO FILE AN OBJECTION TO CONFIRMATION OF THE CHAPTER 13 PLAN, WHICH OBJECTION MUST BE SERVED ON THE DEBTOR, DEBTOR'S COUNSEL AND THE CHAPTER 13 TRUSTEE.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS

FIRST AMENDED CHAPTER 13 PLAN Docket # **08-19170**

DEBTORS: (H) Brett L. Grieco SS# xxx-xx-1257
(W) Melinda E. Grieco SS# xxx-xx-1975

TERM OF THE PLAN 60 Months

(If the plan is longer than thirty-six (36) months, a statement of cause pursuant to 11 U.S.C. § 1322 (d) must be attached hereto.)

PLAN PAYMENT: Debtor(s) to pay monthly: \$ 824.00

I. SECURED CLAIMS

A. CLAIMS TO BE PAID THROUGH THE PLAN (INCLUDING ARREARS):

Creditor	Description of claim (pre-petition arrear, purchase money, etc.)	Amount of claim
<u>-NONE-</u>		\$ <u> </u>

Total of secured claims to be paid through the Plan \$ 0.00

B. CLAIMS TO BE PAID DIRECTLY TO CREDITORS (Not through Plan):

Creditor	Description of Claim
<u>Danvers Savings Bank</u>	<u>Second Mortgage - HELOC</u>
<u>Danversbank</u>	<u>First Mortgage</u>
<u>Danversbank</u>	<u>Automobile Loan</u>
<u>ECAST Settlement Corp.</u>	<u>Motorcycle Loan</u>

II. PRIORITY CLAIMS

Creditor	Description of claim	Amount of claim
<u>-NONE-</u>		\$ <u> </u>

Total of priority claims to be paid through the plan \$ 0.00

III. ADMINISTRATIVE CLAIMS

A. Attorneys fees (to be paid through the plan): \$ 2,500.00
(to be paid in first 12 months of plan)

B. Miscellaneous fees:

Creditor	Description of claim	Amount of claim
<u>-NONE-</u>		\$ <u> </u>

C. The chapter 13 trustee's fee is determined by order of the United States Attorney General. The calculation of the Plan payment set forth below utilizes a 10% trustee's commission. In the event that the trustee's commission is less than 10%, the additional funds collected by the trustee shall be disbursed to unsecured creditors up to 100% of the allowed claims.

IV. UNSECURED CLAIMS

The general unsecured creditors shall receive a dividend of no less than 54 % of their claims.

A. General unsecured claims: \$ 76,989.78

B. Undersecured claims arising after lien avoidance/cramdown:

Creditor	Description of claim	Amount of claim
<u>-NONE-</u>		\$ <u> </u>

Total of A + B general unsecured claims: \$ 76,989.78

C. Multiply total by percentage of dividend: \$ 41,996.00
(Example: Total of \$38,500.00 x .22 dividend = \$8,470.00)

D. Separately classified unsecured claims (co-borrower/student loan, etc.) :

Creditor	Description of claim	Amount of claim
<u>-NONE-</u>		\$ <u> </u>

Total amount of separately classified claims payable at ____% \$ 0.00

V. OTHER PROVISIONS

A. Liquidation of assets to be used to fund plan:

B. Modification of Secured Claims: Set forth details of modifications below or on attached sheets. This information should include name of creditor and detailed explanation of the modification. The total amount of the secured claim that is to be paid through the plan (inclusive of interest) should be set forth in Section I of this Plan.

Creditor	Modification
<u>-NONE-</u>	

C. Miscellaneous provisions:

VI. CALCULATION OF PLAN PAYMENT

a. Secured claims (Section I-A Total):	\$ <u>0.00</u>
b. Priority claims (Section II Total):	+\$ <u>0.00</u>
c. Administrative claims (Section III A + B Total):	+\$ <u>2,500.00</u>
d. General unsecured claims (Section IV-C Total):	+\$ <u>41,996.00</u>
e. Separately classified unsecured claims (Section IV-D Total):	+\$ <u>0.00</u>
f. Total of (a) through (e) above:	= \$ <u>44,496.00</u>
g. Divide (f) by .90 for total including Trustee's fee:	Cost of Plan = \$ <u>49,440.00</u>

(This represents the total amount to be paid into the chapter 13 plan)

h. Divide (g) Cost of Plan by Term of plan: 60 months

i. Round up to nearest dollar: Monthly Plan Payment: \$ 824.00

(Enter this amount on page 1)

Pursuant to 11 U.S.C. § 1326(a) (1), unless the Court orders otherwise, a debtor shall commence making the payments proposed by a plan within thirty (30) days after the plan is filed.

LIQUIDATION ANALYSIS

I. Real Estate:

Address	Fair Market Value	Recorded Liens (Schedule D)
Single Family Dwelling		
5 Gould Street		
Danvers, MA 01923	\$ <u>305,000.00</u>	\$ <u>270,158.00</u>

Total Net Equity for Real Property:	\$ <u>34,842.00</u>
Less Exemptions (Schedule C):	\$ <u>34,842.00</u>
Available Chapter 7:	\$ <u>0.00</u>

II. Automobile (Describe year, make and model):

2001 Mazda Protege DX (76,000 miles)	Value \$	<u>3,750.00</u>	Lien \$	<u>0.00</u>	Exemption \$	<u>0.00</u>
2001 Ford F150 Pickup (90,000 miles)	Value \$	<u>6,000.00</u>	Lien \$	<u>8,635.00</u>	Exemption \$	<u>0.00</u>
Yamaha V-Star 1100 (8,000 miles)	Value \$	<u>6,000.00</u>	Lien \$	<u>8,000.00</u>	Exemption \$	<u>0.00</u>

Net Value of Equity:	\$ <u>3,750.00</u>
Less Exemptions (Schedule C):	\$ <u>0.00</u>
Available Chapter 7:	\$ <u>3,750.00</u>

III. All Other Assets (All remaining items on Schedule B): (Itemize as necessary)

Value: \$ <u>12,406.00</u>	Less Exemptions (Schedule C): \$ <u>12,406.00</u>
	Available Chapter 7: \$ <u>0.00</u>

SUMMARY (Total amount available under Chapter 7):

Net Equity (I and II) Plus Other Assets (III) less all claimed exemptions: \$ 3,750.00

Additional Comments regarding Liquidation Analysis:

Pursuant to the Chapter 13 rules, the debtor or his or her counsel is required to serve a copy of the Amended Plan upon the Chapter 13 trustee, all creditors and interested parties, and to file a certificate of service accordingly.

<u>/s/ Andrew W. Evans BBO</u>	<u>July 13, 2010</u>
Andrew W. Evans BBO #556403	Date
Debtor's counsel	
Address: <u>58 Main Street</u>	
<u>Topsfield, MA 01983</u>	
Telephone #: <u>(978) 887-1035 Fax: (978) 887-3684</u>	

I/WE DECLARE UNDER THE PENALTIES OF PERJURY THAT THE FOREGOING REPRESENTATIONS OF FACT ARE TRUE AND CORRECT TO THE BEST OF OUR KNOWLEDGE AND BELIEF.

Date <u>July 13, 2010</u>	Signature <u>/s/ Brett L. Grieco</u>
	Brett L. Grieco
	Debtor
Date <u>July 13, 2010</u>	Signature <u>/s/ Melinda E. Grieco</u>
	Melinda E. Grieco
	Joint Debtor

**United States Bankruptcy Court
District of Massachusetts**

In re **Brett L. Grieco
Melinda E. Grieco**

Debtor(s)

Case No. **08-19170**
Chapter **13**

CERTIFICATE OF SERVICE

I hereby certify that on **July 13, 2010**, a copy of the Debtors' First Amended Chapter 13 Plan was served electronically or by regular United States mail to all interested parties, the Trustee and all creditors listed below.

**American Express
Centurion Bank
P.O. Box 0001
Los Angeles, CA 90096-0001**

**AT & T Universal Card
PO Box 183064
Columbus, OH 43218-3064**

**AT & T Universal Card
PO Box 183064
Columbus, OH 43218-3064**

**Chase Bank USA, N.A.
P. O. Box 100043
Kennesaw, GA 30156-9243**

**Citgo
Processing Center
Des Moines, IA 50362-0300**

**Danvers Savings Bank
1 Conant Street
Danvers, MA 01923**

**Danvers Tax Collector
Town Hall
1 Sylvan Street
Danvers, MA 01923**

**Danversbank
1 Conant Street
Danvers, MA 01923**

**Danversbank
PO Box 6426
Carol Stream, IL 60197**

**Goodyear
Payment Processing Services
Des Moines, IA 50364**

**Home Depot
P.O. Box 103072
Roswell, GA 30076**

**Home Depot
P.O. Box 103072
Roswell, GA 30076**

**Internal Revenue Service
Insolvency Unit Stop 20800
P.O. Box 9112
Boston, MA 02203-9112**

**JC Penney
P.O. Box 981131
El Paso, TX 79998**

Lowe's

P.O. Box 105980
Dept. 79
Atlanta, GA 30353-5980

Macy's
P.O. Box 4583
Carol Stream, IL 60197-4583

Macy's
P.O. Box 4583
Carol Stream, IL 60197-4583

Marriott Rewards Visa
Chase Cardmember Services
P.O. Box 15218
Wilmington, DE 19850

Massachusetts Department of Revenue
Bankruptcy Unit
P.O. Box 9564
Boston, MA 02114

Mobil Card
MCFC National Bank
P.O. Box 22001
Tulsa, OK 74121-2001

Mobil Card
MCFC National Bank
P.O. Box 22001
Tulsa, OK 74121-2001

Old Navy
P.O. Box 105980
Atlanta, GA 30353-5980

Sears
P.O. Box 555
Columbus, OH 43216

Shell Card
Processing Center
Des Moines, IA 50367-0400

Sunoco
P.O. Box 258
Newark, NJ 07101-0258

Victoria's Secret
Financial Network Nat Bk
P.O. Box 182128
Columbus, OH 43218-2128

Wells Fargo Bank
P.O. Box 11055
San Jose, CA 95103

Yamaha Retail Services
Department 7680
Carol Stream, IL 60116

ECAST Settlement Corp
c/o Bass & Associates
3936 E. Ft. Lowell Ste 200
Tucson, AZ 85712

/s/ Andrew W. Evans

Andrew W. Evans BBO #556403
EVANS, EVANS & BINGHAM

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